

### Agency Legislative Budget

The following table summarizes the total legislative budget for the agency by year, type of expenditure, and source of funding.

Agency Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	374.68	(14.00)	30.45	391.13	(14.00)	31.45	392.13	392.13
Personal Services	20,667,511	1,146,486	1,491,770	23,305,767	463,193	1,582,946	22,713,650	46,019,417
Operating Expenses	12,040,075	1,652,382	3,598,711	17,291,168	2,002,364	(5,831,473)	8,210,966	25,502,134
Equipment	303,670	17,310	0	320,980	25,965	0	329,635	650,615
Grants	535,058	(535,058)	0	0	(535,058)	0	0	0
<b>Total Costs</b>	<b>\$33,546,314</b>	<b>\$2,281,120</b>	<b>\$5,090,481</b>	<b>\$40,917,915</b>	<b>\$1,956,464</b>	<b>(\$4,248,527)</b>	<b>\$31,254,251</b>	<b>\$72,172,166</b>
General Fund	31,031,278	2,368,908	4,650,261	38,050,447	2,687,870	(4,696,587)	29,022,561	67,073,008
State/Other Special	2,378,886	(644,148)	440,220	2,174,958	(1,287,566)	448,060	1,539,380	3,714,338
Federal Special	136,150	556,360	0	692,510	556,160	0	692,310	1,384,820
<b>Total Funds</b>	<b>\$33,546,314</b>	<b>\$2,281,120</b>	<b>\$5,090,481</b>	<b>\$40,917,915</b>	<b>\$1,956,464</b>	<b>(\$4,248,527)</b>	<b>\$31,254,251</b>	<b>\$72,172,166</b>

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### Executive Budget Comparison

The following table compares the legislative budget for the 2007 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2004	Executive Budget Fiscal 2006	Legislative Budget Fiscal 2006	Leg – Exec. Difference Fiscal 2006	Executive Budget Fiscal 2007	Legislative Budget Fiscal 2007	Leg – Exec. Difference Fiscal 2007	Biennium Difference Fiscal 06-07
FTE	374.68	379.13	391.13	12.00	379.13	392.13	13.00	
Personal Services	20,667,511	22,688,330	23,305,767	617,437	22,002,333	22,713,650	711,317	1,328,754
Operating Expenses	12,040,075	17,272,533	17,291,168	18,635	16,180,334	8,210,966	(7,969,368)	(7,950,733)
Equipment	303,670	320,980	320,980	0	329,635	329,635	0	0
Grants	535,058	0	0	0	0	0	0	0
<b>Total Costs</b>	<b>\$33,546,314</b>	<b>\$40,281,843</b>	<b>\$40,917,915</b>	<b>\$636,072</b>	<b>\$38,512,302</b>	<b>\$31,254,251</b>	<b>(\$7,258,051)</b>	<b>(\$6,621,979)</b>
General Fund	31,031,278	37,851,033	38,050,447	199,414	36,725,110	29,022,561	(7,702,549)	(7,503,135)
State/Other Special	2,378,886	1,738,300	2,174,958	436,658	1,094,882	1,539,380	444,498	881,156
Federal Special	136,150	692,510	692,510	0	692,310	692,310	0	0
<b>Total Funds</b>	<b>\$33,546,314</b>	<b>\$40,281,843</b>	<b>\$40,917,915</b>	<b>\$636,072</b>	<b>\$38,512,302</b>	<b>\$31,254,251</b>	<b>(\$7,258,051)</b>	<b>(\$6,621,979)</b>

The legislative budget is \$0.6 million and 12.00 FTE above the executive budget for FY 2006 and has 13.00 more FTE but \$7.3 million less funding for FY 2007. The major changes from the executive budget are:

- The legislature reduced the executive budget request for general fund of \$1.4 million to purchase software licenses for district courts and courts of limited jurisdiction by \$0.3 million in FY 2006.
- The legislature approved the Judiciary's request for \$9,367 in FY 2006 and \$9,301 in FY 2007 in general fund to provide matching funds for the CASA program. This program is funded with 75 percent federal funds and 25 percent general fund.
- The legislature did not approve a work assessment study for \$75,000 in fiscal 2006 of general fund.
- The legislature approved state special revenue to support youth court community programs. However, the legislature reduced the executive request by \$3,562 in each fiscal year of the biennium from \$153,562 to \$150,000. These programs are funded with a state special revenue received from users of the court's video conferencing equipment.

- The legislature did not approve the removal of 5.00 FTE and \$0.3 million in general fund from each year of the biennium in district court operations.
- The legislature did not approve 1.50 FTE and general fund of \$0.1 million in FY 2006 and 1.50 FTE and general fund of \$0.1 million in FY 2007 to support an appellate mediator function.
- The legislature approved 6.50 FTE and \$416,690 in state special revenue in FY 2006 and 7.00 FTE and \$416,690 in state special revenue in FY 2007 to accelerate the water adjudication process. A fee assessed on the holders of water rights funds this activity.
- The legislature approved the transfer of 1.50 FTE and \$43,725 in general fund in FY 2007 from Supreme Court Operations to the Statewide Public Defender Office as per the provisions of Senate Bill No. 146.
- The legislature approved general fund of \$209,508 in FY 2006 to support legal services for indigent parents in child abuse and neglect cases.
- The legislature approved general fund of \$23,530 in FY 2006 and \$31,370 in FY 2007 in state special revenue to allow for increased payments to a nonprofit organization to render legal services to indigent persons in domestic violence cases. This funding is in accordance with Senate Bill No. 406.
- The legislature approved \$5,000 in each year of the 2007 biennium to cover increased costs of transcripts requested by the county attorney or the attorney general when appealing district court rulings in a criminal trial.
- The legislature approved general fund of \$157,477 and 2.00 FTE in FY 2006 and general fund of \$270,615 and 4.00 FTE in FY 2007 to support a new judgeship in the 18<sup>th</sup> Judicial District.
- The legislature approved the transfer of \$8.1 million in FY 2007 from the District Court Operations program to the Statewide Public Defender Office as per the provisions of Senate Bill No. 146.

### Agency Highlights

<b>Judiciary</b> <b>Major Budget Highlights</b>	
◆	General fund increases by \$5.0 million over the FY 2004 base, mostly due to: <ul style="list-style-type: none"> <li>• The purchase of software licenses for District Courts and Courts of Limited Jurisdiction for \$1.1 million</li> <li>• 17.00 FTE and \$3.8 million to support the court automation program</li> <li>• The addition of 4.95 FTE at \$0.4 million to support the District Court efforts.</li> <li>• Funding for public defender costs of \$3.0 million</li> <li>• “Unfit to proceed” costs of \$2.0 million</li> <li>• Transfer of \$8.2 million and 1.50 FTE to the Statewide Public Defender Office</li> <li>• 4.00 FTE and \$0.4 million to support a new judgeship in the 18<sup>th</sup> Judicial District</li> <li>• Statewide present law adjustments</li> </ul>
◆	State special funds decrease by \$1.1 million from the FY 2004 base, mostly due to: <ul style="list-style-type: none"> <li>• The removal of 14.00 FTE and \$2.7 million that supported the court automation program</li> <li>• An appropriation of \$0.7 million for county paid leave</li> <li>• An increase of 7.00 FTE and \$0.8 million to accelerate the water adjudication process</li> </ul>
◆	Federal funds increased by \$1.1 million mostly due to the approval of an appropriation for various federal grants

### Funding

The following table summarizes funding for the agency, by program and source, as adopted by the legislature. Funding for each program is discussed in detail in the individual program narratives that follow.

Total Agency Funding 2007 Biennium Legislative Budget					
Agency Program	General Fund	State Spec.	Fed Spec.	Grand Total	Total %
01 Supreme Court Operations	\$ 11,890,658	\$ 354,900	\$ 384,820	\$ 12,630,378	17.50%
02 Boards And Commissions	482,318	50,000	-	532,318	0.74%
03 Law Library	1,632,201	-	-	1,632,201	2.26%
04 District Court Operations	52,292,887	942,548	1,000,000	54,235,435	75.15%
05 Water Courts Supervision	-	2,366,890	-	2,366,890	3.28%
06 Clerk Of Court	774,944	-	-	774,944	1.07%
Grand Total	<u>\$ 67,073,008</u>	<u>\$ 3,714,338</u>	<u>\$ 1,384,820</u>	<u>\$ 72,172,166</u>	<u>100.00%</u>

The general fund supports Supreme Court operations, the activities of the boards and commissions, the State Law Library, the District Court operations, and the Clerk of the Supreme Court.

State special funds include:

- A \$10.00 surcharge on certain case filings in courts of original jurisdiction, used to support information technology in Montana courts during the 2005 biennium. This surcharge ends on June 30, 2005.
- A filing fee for divorce cases used to pay for the defense of indigent victims of domestic violence.
- Funds from the counties that are used to pay for employee leave liabilities that came from the assumption of the District Court operations.
- Funds collected by youth courts for the cost of treatment, counseling, and other support for community programs for youth and juvenile offenders involved in youth courts.
- Fees imposed by the Courts of Limited Jurisdiction that are used for training judges. There is also funding from attorney investigation repayments.
- Funds from the resource indemnity and ground water assessment (RIGWA) tax and interest from the Resource Indemnity Trust (RIT) to fund the Water Court's operations.

Federal funds support 2.0 FTE to manage federal grants for the court assessment program. Other federal funds support the court-appointed special advocate program. Federal funds also support certain grants.

### Program Legislative Budget

The following table summarizes the legislative budget proposal for the program by year, type of expenditure, and source of funding.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	52.00	(14.00)	17.00	55.00	(14.00)	15.50	53.50	53.50
Personal Services	3,088,183	(459,221)	866,174	3,495,136	(460,896)	820,034	3,447,321	6,942,457
Operating Expenses	1,123,215	93,295	2,187,356	3,403,866	58,229	1,102,611	2,284,055	5,687,921
Equipment	0	0	0	0	0	0	0	0
Grants	535,058	(535,058)	0	0	(535,058)	0	0	0
<b>Total Costs</b>	<b>\$4,746,456</b>	<b>(\$900,984)</b>	<b>\$3,053,530</b>	<b>\$6,899,002</b>	<b>(\$937,725)</b>	<b>\$1,922,645</b>	<b>\$5,731,376</b>	<b>\$12,630,378</b>
General Fund	3,102,822	400,140	3,030,000	6,532,962	363,599	1,891,275	5,357,696	11,890,658
State/Other Special	1,507,484	(1,357,484)	23,530	173,530	(1,357,484)	31,370	181,370	354,900
Federal Special	136,150	56,360	0	192,510	56,160	0	192,310	384,820
<b>Total Funds</b>	<b>\$4,746,456</b>	<b>(\$900,984)</b>	<b>\$3,053,530</b>	<b>\$6,899,002</b>	<b>(\$937,725)</b>	<b>\$1,922,645</b>	<b>\$5,731,376</b>	<b>\$12,630,378</b>

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Legislative Budget Analysis, A-31

### Funding

This program is funded primarily with general fund and a minor amount of state special and federal funds. State special funds are from a filing fee for divorce cases. These funds are earmarked to pay for the legal defense costs of indigent victims of domestic violence. During the 2005 biennium there were state special funds from a \$10 user surcharge on certain court case filings that supported the court automation program. This surcharge expires on June 30, 2005. Federal grants support a grant manager, the court assessment program, and the court-appointed special advocate program. These funds require a 25 percent match, which is met with general fund.

### Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget adopted by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments									
-----Fiscal 2006-----					-----Fiscal 2007-----				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				216,847					213,886
Inflation/Deflation				(3,724)					(3,637)
Fixed Costs				179,559					144,480
<b>Total Statewide Present Law Adjustments</b>				<b>\$392,682</b>					<b>\$354,729</b>
DP 4 - Eliminate District Court Automation Program									
(14.00)	0	(1,369,312)	0	(1,369,312)	(14.00)	0	(1,368,109)	0	(1,368,109)
DP 5 - Court Assessment/CASA									
0.00	0	0	66,279	66,279	0.00	0	0	66,354	66,354
DP 306 - Court Assessment/CASA - General Fund									
0.00	9,367	0	0	9,367	0.00	9,301	0	0	9,301
<b>Total Other Present Law Adjustments</b>									
(14.00)	<b>\$9,367</b>	<b>(\$1,369,312)</b>	<b>\$66,279</b>	<b>(\$1,293,666)</b>	<b>(14.00)</b>	<b>\$9,301</b>	<b>(\$1,368,109)</b>	<b>\$66,354</b>	<b>(\$1,292,454)</b>
<b>Grand Total All Present Law Adjustments</b>				<b>(\$900,984)</b>					<b>(\$937,725)</b>

DP 4 - Eliminate District Court Automation Program - The legislature approved the elimination of the court automation program that was funded with a \$10.00 surcharge on certain court case filings as authorized by 3-1-317, MCA. This surcharge is earmarked to pay for the court automation program and expires at the end of FY 2005. Therefore, this decision package eliminates the budget for the program as funded by this surcharge.

DP 5 - Court Assessment/CASA - The legislature approved \$132,633 in federal funds that support the Court Assessment Program (CAP) and the Court Appointed Special Advocate Program (CASA). CAP provides for the evaluation of the effectiveness of child abuse and neglect proceedings within the Montana legal system. This program is funded with 75 percent federal funds and 25 percent general fund (see DP 306). The CASA program is a federal program that provides for court appointed special advocates to represent youth in child abuse and neglect proceedings.

DP 306 - Court Assessment/CASA - General Fund - The legislature approved general fund to support the matching requirement for federal funding for the Court Assessment Program and the Court Appointed Special Advocate Program. This matching requirement is 25 percent of the total funding and federal funding represents 75 percent of the funding.

### New Proposals

New Proposals										
Program	FTE	Fiscal 2006				Fiscal 2007				
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 5 - Purchase Software Licenses - OTO										
01	0.00	1,095,000		0	1,095,000	0.00	0	0	0	0
DP 111 - Support Information Technology for the Judicial Br										
01	17.00	1,935,000		0	1,935,000	17.00	1,935,000	0	0	1,935,000
DP 307 - Transfer FTE to Public Defender										
01	0.00	0	0	0	0	(1.50)	(43,725)	0	0	(43,725)
DP 309 - Indigent Victims Domestic Violence										
01	0.00	0	23,530	0	23,530	0.00	0	31,370	0	31,370
<b>Total</b>	<b>17.00</b>	<b>\$3,030,000</b>	<b>\$23,530</b>	<b>\$0</b>	<b>\$3,053,530</b>	<b>15.50</b>	<b>\$1,891,275</b>	<b>\$31,370</b>	<b>\$0</b>	<b>\$1,922,645</b>

DP 5 - Purchase Software Licenses - OTO - The legislature approved a one-time-only, restricted, and biennial appropriation to purchase initial software application licenses for District Courts and the remaining Courts of Limited Jurisdiction. The court software, named "JSI-Full Court Case Management System" has already been installed in 86 Courts of Limited Jurisdiction.

DP 111 - Support Information Technology for the Judicial Br - The legislature approved 17.00 FTE and \$1,935,000 in general fund in FY 2006 and 17.00 FTE and \$1,935,000 in general fund in FY 2007 to support the information technology program for the Judicial branch.

DP 307 - Transfer FTE to Public Defender - The legislature approved the transfer of 1.50 FTE and \$43,725 in general fund in FY 2007 from the Supreme Court Operations to the Office of Public Defender to support the new office. This transfer is in relation to Senate Bill No. 146.

DP 309 - Indigent Victims Domestic Violence - The legislature approved general fund of \$23,530 in FY 2006 and \$31,370 in FY 2007 to support legal assistance for indigent victims of domestic violence.

**Language**

The legislature approved the following language for inclusion in HB2:

"If Senate Bill No. 146 is not passed and approved, Supreme Court Operations is increase by \$43,725 in general fund money in fiscal year 2007. If Senate Bill No. 146 is not passed and approved, District Court Operations is decreased by \$209,508 in general fund money in fiscal year 2006 and increased by \$8,093,435 in general fund money in fiscal year 2007."

"If House Bill No. 536 is not passed and approved, Supreme Court Operations is decreased by \$1,935,000 in general fund money in each fiscal year of the 2007 biennium."

"If Senate Bill No. 406 is not passed and approved, Supreme Court Operations is reduced by \$23,530 in fiscal year 2006 and by \$31,370 in fiscal year 2007 in state special revenue."

**Program Legislative Budget**

The following table summarizes the legislative budget proposal for the program by year, type of expenditure, and source of funding.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	3.00	0.00	0.00	3.00	0.00	0.00	3.00	3.00
Personal Services	79,543	39,501	0	119,044	39,326	0	118,869	237,913
Operating Expenses	135,657	24,043	0	159,700	(952)	0	134,705	294,405
<b>Total Costs</b>	<b>\$215,200</b>	<b>\$63,544</b>	<b>\$0</b>	<b>\$278,744</b>	<b>\$38,374</b>	<b>\$0</b>	<b>\$253,574</b>	<b>\$532,318</b>
General Fund	215,200	38,544	0	253,744	13,374	0	228,574	482,318
State/Other Special	0	25,000	0	25,000	25,000	0	25,000	50,000
<b>Total Funds</b>	<b>\$215,200</b>	<b>\$63,544</b>	<b>\$0</b>	<b>\$278,744</b>	<b>\$38,374</b>	<b>\$0</b>	<b>\$253,574</b>	<b>\$532,318</b>

**Page Reference**

Legislative Budget Analysis, A-36

**Funding**

This program is funded with a combination of general fund and state special funds. State special revenue is from a fee imposed by the Courts of Limited Jurisdiction for training and attorney investigation repayments.

**Present Law Adjustments**

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget adopted by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments									
-----Fiscal 2006-----					-----Fiscal 2007-----				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				39,501					39,326
Inflation/Deflation				(117)					(112)
Fixed Costs				(840)					(840)
<b>Total Statewide Present Law Adjustments</b>				<b>\$38,544</b>					<b>\$38,374</b>
DP 2 - Judicial Standards Investigations - Rest/Biennial									
0.00	25,000	0	0	25,000	0.00	0	0	0	0
<b>Total Other Present Law Adjustments</b>	<b>0.00</b>	<b>\$25,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$25,000</b>	<b>0.00</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Grand Total All Present Law Adjustments</b>				<b>\$63,544</b>					<b>\$38,374</b>

DP 2 - Judicial Standards Investigations - Rest/Biennial - The legislature approved \$25,000 in general fund that would be both a restricted and a biennial appropriation for the constitutionally mandated Judicial Standards Commission. This commission investigates complaints and makes recommendations regarding the conduct of judicial officers. The amounts that were expended during FY 2004 were removed from the base because this is a zero based expenditure. This funding can only be used to pay for the investigations of complaints against judges. If the costs were not incurred, the funds would revert to the general fund.

### Program Legislative Budget

The following table summarizes the legislative budget proposal for the program by year, type of expenditure, and source of funding.

Program Legislative Budget Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	7.50	0.00	0.00	7.50	0.00	0.00	7.50	7.50
Personal Services	333,852	26,123	0	359,975	25,764	0	359,616	719,591
Operating Expenses	131,447	(450)	0	130,997	(449)	0	130,998	261,995
Equipment	303,670	17,310	0	320,980	25,965	0	329,635	650,615
<b>Total Costs</b>	<b>\$768,969</b>	<b>\$42,983</b>	<b>\$0</b>	<b>\$811,952</b>	<b>\$51,280</b>	<b>\$0</b>	<b>\$820,249</b>	<b>\$1,632,201</b>
General Fund	768,969	42,983	0	811,952	51,280	0	820,249	1,632,201
<b>Total Funds</b>	<b>\$768,969</b>	<b>\$42,983</b>	<b>\$0</b>	<b>\$811,952</b>	<b>\$51,280</b>	<b>\$0</b>	<b>\$820,249</b>	<b>\$1,632,201</b>

### Page Reference

Legislative Budget Analysis, A-38

### Funding

General fund supports this program. Minimal costs are recovered through fees charged for copies, faxes, and the rental of audio/video cassettes. These fees, which were approximately \$23,600 during FY 2004, are deposited into the general fund.

### Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget adopted by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments									
-----Fiscal 2006-----					-----Fiscal 2007-----				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				26,123					25,764
Inflation/Deflation				(40)					(39)
Inflation/Deflation				17,310					25,965
Fixed Costs				(410)					(410)
<b>Total Statewide Present Law Adjustments</b>				<b>\$42,983</b>					<b>\$51,280</b>
<b>Grand Total All Present Law Adjustments</b>				<b>\$42,983</b>					<b>\$51,280</b>

### Proprietary Rates

#### Proprietary Program Description

Law Library Enterprise Fund – The Law Library provides LEXIS access to approximately 30 LEXIS users. LEXIS is a legal search engine used to research case law by leading the user to numerous cases on selected subjects. It makes research more efficient and less time consuming. The Law Library purchases a bundle of licenses from LEXIS at a rate that is less expensive than purchasing a single license. The law library is billed by LEXIS monthly and, in turn, bills this service to approximately 30 users. These users include other state agencies, county attorneys, public defenders, and certain city and limited court judges. The rate set by the library for billing users is a simple average of the total cost divided by the number of users.

#### Proprietary Revenues and Expenses

The revenue is the amount collected from the library's customers and the expense is the invoice from LEXIS.



**Program Legislative Budget**

The following table summarizes the legislative budget proposal for the program by year, type of expenditure, and source of funding.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	295.68	0.00	6.95	302.63	0.00	8.95	304.63	304.63
Personal Services	16,262,315	1,435,245	308,433	18,005,993	756,065	435,980	17,454,360	35,460,353
Operating Expenses	10,509,709	1,529,314	1,311,828	13,350,851	1,938,364	(7,023,842)	5,424,231	18,775,082
Equipment	0	0	0	0	0	0	0	0
<b>Total Costs</b>	<b>\$26,772,024</b>	<b>\$2,964,559</b>	<b>\$1,620,261</b>	<b>\$31,356,844</b>	<b>\$2,694,429</b>	<b>(\$6,587,862)</b>	<b>\$22,878,591</b>	<b>\$54,235,435</b>
General Fund	26,573,578	1,870,457	1,620,261	30,064,296	2,242,875	(6,587,862)	22,228,591	52,292,887
State/Other Special	198,446	594,102	0	792,548	(48,446)	0	150,000	942,548
Federal Special	0	500,000	0	500,000	500,000	0	500,000	1,000,000
<b>Total Funds</b>	<b>\$26,772,024</b>	<b>\$2,964,559</b>	<b>\$1,620,261</b>	<b>\$31,356,844</b>	<b>\$2,694,429</b>	<b>(\$6,587,862)</b>	<b>\$22,878,591</b>	<b>\$54,235,435</b>

**Page Reference**

Legislative Budget Analysis, A-41

**Funding**

This program is primarily funded with general fund. It also has a small amount of state special and federal funds. District court fines, fees, and forfeitures are deposited in the general fund. The counties provide state special revenues for accumulated leave liability for those employees who became state employees under district court assumption. Much of the remaining funds are for the Juvenile Delinquency Intervention Program and the Youth Court Community Program. These funds support community programs for youths and juvenile offenders involved in youth courts. Federal funding in the 2007 biennium would be for various grants.

**Present Law Adjustments**

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget adopted by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments									
-----Fiscal 2006-----					-----Fiscal 2007-----				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				792,697					756,065
Inflation/Deflation				(6,621)					(6,510)
Fixed Costs				(6,475)					(6,475)
<b>Total Statewide Present Law Adjustments</b>				<b>\$779,601</b>					<b>\$743,080</b>
DP 6 - Court Recording Equipment	0.00	34,495	0	0	34,495	0.00	0	0	0
DP 4302 - Annualize Motor Pool Lease Costs - JPOs	0.00	8,414	0	0	8,414	0.00	8,414	0	0
DP 4303 - Annualize Motor Pool Lease Costs - DC Judges	0.00	10,543	0	0	10,543	0.00	10,543	0	0
DP 4510 - Authority for County Paid Annual & Sick Leave	0.00	0	642,548	0	642,548	0.00	0	0	0
DP 4511 - Restore Variable Cost Funding that was OTO	0.00	838,958	0	0	838,958	0.00	1,282,392	0	0
DP 4512 - Misc. Federal Grants	0.00	0	0	500,000	500,000	0.00	0	0	500,000
DP 4516 - Youth Courts-Community Programs/Video Conferencing	0.00	0	150,000	0	150,000	0.00	0	150,000	0
<b>Total Other Present Law Adjustments</b>	<b>0.00</b>	<b>\$892,410</b>	<b>\$792,548</b>	<b>\$500,000</b>	<b>\$2,184,958</b>	<b>0.00</b>	<b>\$1,301,349</b>	<b>\$150,000</b>	<b>\$500,000</b>
<b>Grand Total All Present Law Adjustments</b>				<b>\$2,964,559</b>					<b>\$2,694,429</b>

DP 6 - Court Recording Equipment - The legislature approved \$34,495 in FY 2006 for the purchase of recording systems for three judicial districts at a cost of \$10,000 per unit and \$4,495 to purchase real-time equipment and software. The legislature approved this request as one-time-only, restricted, and biennial.

DP 4302 - Annualize Motor Pool Lease Costs - JPOs - The legislature approved \$8,414 in general fund in each fiscal year of the 2007 biennium on top of a FY 2004 base of \$9,864 to annualize the cost of motor pool leases for juvenile probation officers. The leases have not been in effect the entire year and some of the juvenile probation officers did not have a leased vehicle the entire year.

DP 4303 - Annualize Motor Pool Lease Costs - DC Judges - The legislature approved \$10,543 in general fund in each fiscal year of the 2007 biennium on top of the FY 2004 base of \$8,939 to annualize the cost of motor pool leases for judges. The leases have not been in effect the entire year because not all judges had a leased vehicle the entire year. Therefore, there is only a partial year lease cost in the base year. The addition provides funding for eight vehicles.

DP 4510 - Authority for County Paid Annual & Sick Leave - The legislature approved \$642,548 in a biennial and restricted appropriation of state special revenue for annual leave and sick leave payouts for former county employees that leave the judicial branch. These payouts are funded by county payments to the state.

DP 4511 - Restore Variable Cost Funding that was OTO - The legislature approved \$838,958 of general fund in FY 2006 and \$1,282,392 in FY 2007 for variable costs in the district court assumption program. The 2003 Legislature provided up to \$1,800,000 of authority for district court expenses to be funded with 2003 biennium general fund reverted appropriations branch wide. The Judiciary did use approximately \$1.0 million of this authority; however, it was removed from the base during the budgeting process because it was identified as a one-time-only expenditure. The funds were added back into the base to recognize the increased expenditures for public defender services in district court cases.

DP 4512 - Misc. Federal Grants - The legislature approved \$500,000 of federal appropriation authority per fiscal year for various federal grants. Currently, some counties continue to administer federal grants for the youth courts. The Legislative Audit Division has indicated that these activities should be recorded on the state accounting system.

DP 4516 - Youth Courts-Community Programs/Video Conferencing - The legislature approved \$150,000 per fiscal year of state special revenue authority for fees collected in Youth Courts and for video conferencing services. Youth Courts collect monies from youths for costs of treatment and counseling. The previous legislature authorized \$150,000 per year but only \$71,438 was spent, so the legislature added \$78,562 of authority to restore the authority to \$150,000 in each year. The legislature also added \$75,000 per year of authority for video conferencing services. The branch charges attorneys and others to use video conferencing equipment. The fees collected are used to operate and maintain the equipment.

### New Proposals

New Proposals											
-----Fiscal 2006-----						-----Fiscal 2007-----					
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
DP 1 - Min. Standards - Judicial Support Staff											
04	4.95	198,276		0	0	198,276	4.95	179,958	0	0	179,958
DP 10 - Judicial Education - Rest. Biennial											
04	0.00	50,000		0	0	50,000	0.00	50,000	0	0	50,000
DP 306 - Transfer Funding to Public Defender Program											
04	0.00	209,508		0	0	209,508	0.00	(8,093,435)	0	0	(8,093,435)
DP 308 - County Attorney Transcripts											
04	0.00	5,000		0	0	5,000	0.00	5,000	0	0	5,000
DP 311 - New Judgeship for Judicial District 18											
04	2.00	157,477		0	0	157,477	4.00	270,615	0	0	270,615
DP 4515 - Unfit to Proceed Costs											
04	0.00	1,000,000		0	0	1,000,000	0.00	1,000,000	0	0	1,000,000
Total	6.95	\$1,620,261		\$0	\$0	\$1,620,261	8.95	(\$6,587,862)	\$0	\$0	(\$6,587,862)

DP 1 - Min. Standards - Judicial Support Staff - The legislature approved \$378,234 in general fund for the biennium to hire 4.95 FTE to be distributed amongst the following jurisdictions:

- Law clerk and youth court administrative assistant for Deer Lodge/Powell/Granite
- Law clerk and court administrator for Beaverhead/Madison/Jefferson
- Law clerk for Flathead
- Law clerk and administrative assistant for Garfield/Treasure/Rosebud/Custer/Powder River/Fallon/Carter
- Law clerk for Sanders/Lake
- Youth court administrative assistant for Judith Basin/Fergus/Petroleum

DP 10 - Judicial Education - Rest. Biennial - The legislature approved \$100,000 during the biennium for judicial education. This funding will be both restricted and biennial. This proposal provides funding for:

- Training and travel for one out of state conference per year for each of the justices, the District Court judges, the Water Court judge and the Workers Compensation judge
- Training and travel for two new judges to attend the General Jurisdiction Conference at the National Judicial College in Reno, Nevada
- National speakers at the Montana Judges Association and the Courts of Limited Jurisdiction conferences.

DP 306 - Transfer Funding to Public Defender Program - The legislature approved the establishment of a Statewide Public Defender Office as per Senate Bill No. 146. The District Court Operations program receives \$209,508 in FY 2006 and transfers \$8,093,435 of its variable cost funding to this office in FY 2007. The FY 2006 funding is to provide public defender services to indigent parents in child abuse and neglect cases.

DP 308 - County Attorney Transcripts - The legislature approved \$5,000 of general fund in each fiscal year of the biennium to fund costs related to transcripts requested by county attorneys or the attorney general when appealing district court rulings in a criminal trial.

DP 311 - New Judgeship for Judicial District 18 - The legislature approved a new judgeship for the 18<sup>th</sup> Judicial District. This includes 2.00 FTE and general fund of \$157,477 and 2.00 FTE in FY 2006 and general fund of \$270,615 and 4.00 FTE in FY 2007.

DP 4515 - Unfit to Proceed Costs - The legislature approved \$1,000,000 in general fund in each fiscal year of the biennium to pay for forensic psychiatric evaluations. These evaluations are necessary when a defendant is committed to the Montana State Hospital at Warm Springs under a district court order to determine the fitness of that individual to proceed in a criminal case against that individual. The department of Public and Health and Human Services (DPHHS) discovered that for several years they had not been billing for these evaluations and have decided that they will bill the branch beginning in FY 2005 and thereafter. There is no net impact to the general fund, as DPHHS will deposit all assessments to the general fund.

### **Language**

The legislature approved the following language for inclusion in HB2:

"If Senate Bill No. 355 is not passed and approved, District Court Operations funding is reduced by \$5,000 in general fund money in each fiscal year of the biennium."

"If Senate Bill No. 18 is not passed and approved, District Court Operations is reduced by \$157,477 in general fund money in fiscal year 2006 and by \$270,615 in general fund money in fiscal year 2007."

"If Senate Bill No. 146 is not passed and approved, Supreme Court Operations is increase by \$43,725 in general fund money in fiscal year 2007. If Senate Bill No. 146 is not passed and approved, District Court Operations is decreased by \$209,508 in general fund money in fiscal year 2006 and increased by \$8,093,435 in general fund money in fiscal year 2007."

**Program Legislative Budget**

The following table summarizes the legislative budget proposal for the program by year, type of expenditure, and source of funding.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	11.00	0.00	6.50	17.50	0.00	7.00	18.00	18.00
Personal Services	568,454	94,239	317,163	979,856	93,369	326,932	988,755	1,968,611
Operating Expenses	104,502	(5)	99,527	204,024	(5)	89,758	194,255	398,279
<b>Total Costs</b>	<b>\$672,956</b>	<b>\$94,234</b>	<b>\$416,690</b>	<b>\$1,183,880</b>	<b>\$93,364</b>	<b>\$416,690</b>	<b>\$1,183,010</b>	<b>\$2,366,890</b>
State/Other Special	672,956	94,234	416,690	1,183,880	93,364	416,690	1,183,010	2,366,890
<b>Total Funds</b>	<b>\$672,956</b>	<b>\$94,234</b>	<b>\$416,690</b>	<b>\$1,183,880</b>	<b>\$93,364</b>	<b>\$416,690</b>	<b>\$1,183,010</b>	<b>\$2,366,890</b>

**Page Reference**

Legislative Budget Analysis, A-46

**Funding**

This program is funded with state special revenue from the renewable resource grant and loan account and from a fee charged to holders of water rights. These accounts include the resource indemnity and ground water assessment (RIGWA) tax, as well as interest earnings on the resource indemnity trust (RIT), and the account for the acceleration of water adjudication.

**Present Law Adjustments**

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget adopted by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments									
-----Fiscal 2006-----					-----Fiscal 2007-----				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				94,239					93,369
Inflation/Deflation				(5)					(5)
<b>Total Statewide Present Law Adjustments</b>				<b>\$94,234</b>					<b>\$93,364</b>
<b>Grand Total All Present Law Adjustments</b>				<b>\$94,234</b>					<b>\$93,364</b>

**New Proposals**

New Proposals											
Program	-----Fiscal 2006-----					-----Fiscal 2007-----					
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
DP 307 - Accelerate Water Adjudication Process											
05	6.50	0	416,690		0	416,690	7.00	0	416,690	0	416,690
Total	6.50	\$0	\$416,690		\$0	\$416,690	7.00	\$0	\$416,690	\$0	\$416,690

DP 307 - Accelerate Water Adjudication Process - The legislature approved \$416,690 in FY 006 and \$416,690 in FY 2007 in state special revenue to fund the acceleration of the water adjudication process in the state. This item is contingent upon the passage and approval of House Bill No. 22.

**Language**

The legislature approved the following language for inclusion in HB2:

If House Bill No. 22 is not passed and approved, Water Court is reduced by \$416,690 in state special revenue in each year of the biennium.”

### Program Legislative Budget

The following table summarizes the legislative budget proposal for the program by year, type of expenditure, and source of funding.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	5.50	0.00	0.00	5.50	0.00	0.00	5.50	5.50
Personal Services	335,164	10,599	0	345,763	9,565	0	344,729	690,492
Operating Expenses	35,545	6,185	0	41,730	7,177	0	42,722	84,452
<b>Total Costs</b>	<b>\$370,709</b>	<b>\$16,784</b>	<b>\$0</b>	<b>\$387,493</b>	<b>\$16,742</b>	<b>\$0</b>	<b>\$387,451</b>	<b>\$774,944</b>
General Fund	370,709	16,784	0	387,493	16,742	0	387,451	774,944
Federal Special	0	0	0	0	0	0	0	0
<b>Total Funds</b>	<b>\$370,709</b>	<b>\$16,784</b>	<b>\$0</b>	<b>\$387,493</b>	<b>\$16,742</b>	<b>\$0</b>	<b>\$387,451</b>	<b>\$774,944</b>

### Page Reference

Legislative Budget Analysis, A-49

### Funding

This program is funded with general fund.

### Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget adopted by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments									
-----Fiscal 2006-----					-----Fiscal 2007-----				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				10,599					9,565
Inflation/Deflation				(19)					(18)
Fixed Costs				(787)					(787)
<b>Total Statewide Present Law Adjustments</b>				<b>\$9,793</b>					<b>\$8,760</b>
DP 222 - Restore Clerk of Court Operating Budget	0.00	6,000	0	6,000	0.00	6,000	0	0	6,000
DP 6001 - Records Storage	0.00	991	0	991	0.00	1,982	0	0	1,982
<b>Total Other Present Law Adjustments</b>	<b>0.00</b>	<b>\$6,991</b>	<b>\$0</b>	<b>\$6,991</b>	<b>0.00</b>	<b>\$7,982</b>	<b>\$0</b>	<b>\$0</b>	<b>\$7,982</b>
<b>Grand Total All Present Law Adjustments</b>				<b>\$16,784</b>					<b>\$16,742</b>

DP 222 - Restore Clerk of Court Operating Budget - The legislature approved a general fund increase of \$6,000 in FY 2006 and \$6,000 in FY 2007. These funds will be used to bring this budget to the FY 2004 level.

DP 6001 - Records Storage - The legislature approved \$991 for FY 2006 and \$1,982 for FY 2007 for a total of \$2,973 for the 2007 biennium for records storage. Section 3-2-402, MCA requires that the Clerk of the Supreme Court be responsible for the retention of Supreme Court records. The clerk's vault has capacity to house approximately three calendar years of Supreme Court case files. At the end of June 2004, the clerk's vault reached its storage capacity and the clerk is preparing to transfer closed cases from the years 2001 and 2002 to Records Management under the Secretary of State. The clerk estimates that 560 additional boxes of information would be transferred to the Records Management facility, which charges a storage fee for each box.